

I was serving with my regiment, the Second Ohio Cavalry, along the Cumberland in Southern Kentucky in the latter part of the year 1863, when the judge advocate on the staff of General Burnside, Major J. Madison Cutts (brother-in-law of the late Senator Douglas), committed an offense for which charges were preferred against him. General Burnside sent inquiries to the front for some officer who was a lawyer, and who could be recommended as capable of trying his judge advocate. I was recommended, and ordered back to Cincinnati, where General Burnside's headquarters then were, as commander of the Department of the Ohio.

After finishing this case, I was kept on court-martial duty at Cincinnati, Lexington and Louisville for some time, and finally, at the request of Governor Morton, in September, 1864, I was ordered to Indiana to act as judge advocate of the court detailed to try the members of the "Knights of the Golden Circle," or "Sons of Liberty." These trials were finished some time in December of that year, and I entered almost immediately upon the trial of the Chicago conspirators—St. Louis, Grenier, and others—who had come over from Canada to engage in the enterprise of releasing the rebel prisoners

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then in Camp Douglas, near Chicago. While making the closing argument in this case, on the 17th of April, 1865, I received a despatch from the secretary of war, directing me to report immediately to that department to aid in the examinations respecting the murder of the President.

I started for Washington the next morning, and arrived there on the morning of the 19th, and was assigned to the duty of assisting in the investigation of the murder of President Lincoln and the attempted assassination of Mr. Seward, and was immediately assigned to the War Department.

The gloom of that journey to Washington and the feeling of vague terror and sorrow with which I have said is due to, I cannot adequately describe, and shall never forget. That day, I never visit that city without some shadow of that dark time settling down over my spirit. All the public buildings and the apartments of the private houses were heavily draped in black. The people moved about the streets with lowered heads and sorrow-stricken faces, as though they had been in the funeral procession of its first born. When men spoke, in each other's hearing, to be there were tremulous tones in their voices and a quivering of the lips, as though tears and violent expressions of grief were held back only by great effort. In the faces of those in authority—cabinet members, officers of the army—there was an anxious expression of the eyes as though a dagger's gleam in a strange hand was to be expected, and a pale, determined expression, such as that of the jaw that said: "The truth about this conspiracy shall be made clear and the assassins found and punished, we will stand guard and the government shall not die."

For no ruler that ever lived, I venture to say, not excepting Washington himself, was the love of the people so strong, so particularly personal and tender, as for Abraham Lincoln. Especially so this so among the soldiers, all members of the old army still around, with what devotion and patriotic affection the boys used to stand and sing, "We are coming, Father Abraham!" and will remember what a personal and comforting sort of relation seemed to exist between the boys and "Uncle Abe," and how these brave soldiers, veterans of four years of terrible war, turned to friendship, to sickness and wounds, Lincoln with the tears of death, except his little children when told that "Uncle Abe" was dead. The scene of the bedside of the dying president had been cried out in the past, and as the news swept around the earth, all the children of men, in the civilized world, wept with those about his couch. That death of some will never be forgotten. It was surrounded by his cabinet members, all of whom were bathed in tears, not excepting Mr. Stanton, the war secretary, with iron will and nerve, who when informed by Surgeon General Barnes that the president could not live until morning exclaimed: "Oh, no, I moral! No, no," and immediately sat down at his bedside and wept like a little child.

Senator Sumner was seated on the right of the president's couch, near the head, holding the right hand of the president in his own. He was sobbing like a tender woman with his head bowed down almost to the pillow of the bed on which the president was lying."

At twenty-two minutes past seven the president passed away, and Mr. Stanton exclaimed: "No, he belongs to the ages." Besides the persons named, there were about the deathbed his wife and son, Vice President Johnson, all the other members of the cabinet with the exception of Mr. Seward, Generals Halleck, Meigs, Farnsworth, Augur and Ladd, Rev. Dr. Gurley, Schuyler Colfax, Governor Fairwell, Judges Carter and Ohio, Surgeon General Barnes, Dis. Stone, Green and Leeds, Major John Hay and Monmouth B. Field.

When I entered upon the duty of assisting in the investigation of the murder of the president, on the 19th of April, it must be borne in mind that at that time it was not positively known who had assassinated the president, or attempted the life of Secretary Seward. Both was the alleged assassin. How widespread was the conspiracy or who were in it, or of it, was not known.

There was general apprehension and belief that further assassinations would be attempted, and guards were placed around the private residences of the cabinet members, General Grant's house and the public buildings, soldiers patrolled the city and were scouring the country. All that was then positively known as to the assassination of the president, was that a tall dark man, apparently about thirty years of age, had forced his way into the president's box at Ford's Theatre on the evening of the 14th, had shot the president, stabbed Major Rathbone who attempted to detain him, had leaped over the front of the box up to the stage below, fled across it crying "So scatter tyrants!" then cut by the right side to the rear door of the theatre, had there mounted a horse, galloped away into the night, crossing the navy yard bridge, that another supposed confederate soon after galloped after him and joined him, and thus was the sum of the positive knowledge at that time.

All that scene in the box of the theatre, and on that night, Sunday and Hay, in the "Life of Lincoln," say: "The whole performance remains in the memory of those who heard it, a vague phantasmagoria, the actors the thinnest of specters. The awful tragedy in the box makes everything else seem pale and unreal. There were his limping legs in a narrow space, the greatest man of his time in the glory of the most stupendous success in our history, the idolized chief of a nation already mighty, with admirable vistas of grandeur before him, his beloved wife, proud and happy, a pair of devoted lovers, with all the promise of felicity that youth, social position and wealth could give them, and that young actor, handsome as Eurydice upon Leto's, the pet of his little world. The glitter of fame, happiness and ease was upon the entire group, but in an instant, everything was to be changed with the blinding swiftness of enchantment. Quick death was to come on the central figure of that company—the central figure, we believe, of the great and good men of the century. Over all the rest the blackest fates hovered menacingly—fates from which a mother might pray that kindly death would save her children in their infancy. One was to wander with the stain of murder on his soul, with the curses of a world upon his name, with a price set upon his head, in frightful physical pain, till he died a dog's death in a burning barn; the stricken one was to pass the rest of his days in loneliness and madness; of these two young lovers, one was to slay the other and then end his life a wailing maniac."

At the same hour that Booth fired the fatal shot, Payne appeared at the door of Secretary Seward's house, in the guise of a messenger from Dr. Verli, holding in his hand the package that Booth had prepared for him, and demanded to see the secretary, saying that he had a verbal message which was of particular importance in regard to the use, or application of the medicine, and that he must see the secretary himself. Dr. Verli had left his patient but a short time before, and had reassured the family that had for days been suffering the greatest anxiety on account of the secretary's condition, by taking a favorable view of the symptoms. The family, worn with watching and anxiety, were disposing themselves for the night. Major A. H. Seward had retired to his room. Sergeant George F. Robinson, acting as attendant nurse, was watching by the bedside in company with Miss Seward, the secretary's daughter. Frederick H. Seward occupied the room at the head of the stairs. All the rooms occupied by the secretary and his family were on the second floor, and were reached by a flight of stairs in the hallway.

The second waiter, William H. Bell, a colored lad of nineteen, was stationed at the hall door. Being somewhat relieved of their anxiety by the doctor's favorable view of the case, all were anticipating a night of quiet rest. The door bell rang and was answered by Bell, the colored waiter. Immediately upon the opening of the door, Payne slipped into the hall. He was a tall, broad-shouldered, non-scholar man, as agile and ferocious as a panther, a low browed, scowling, villainous-looking specimen of humanity, the animal preponderating largely in every feature of his visage and expression of his countenance. There he stood looking in his left hand the package, and keeping his right hand in his overcoat pocket. He addressed the boy to be allowed to see the secretary, telling his story about being sent by Dr. Verli to deliver the medicine with his directions. The porter told him that his orders were to admit no one, and that he could not see Mr. Seward; that he would deliver the package himself. To this Payne would not consent, but persisted in saying that he must see Mr. Seward. After considerable parleying, he started upstairs, and the porter, seeing that he would go, and thinking that he might complain of his conduct to the secretary, asked him to pardon him, to which Payne replied: "Oh, I know; that's all right." He was wearing heavy boots and took no pains to walk lightly as he went up the stairs, whereupon the porter requested him not to make so much noise, to which, however, he paid no attention. As he approached the head of the stairs, he was met by Mr. Frederick Seward who had been attracted by the noise, to whom he said, "I want to see Mr. Seward." Frederick went into his father's room, and finding him asleep, returned saying, "You cannot see him." All this time Payne stood holding the package in his left hand, grasping with his right hand the pistol in his overcoat pocket. Frederick

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After the attack at Swanton, Vermont, Mr. Vane and two or three other surgeons went to the relief of the wounded in the city and the other sections of Vermont, during the time in which the onslaught was made, had the appearance of a blood-bath, a slaughter-house. The country was found by later investigations to have been covered with the dead and maimed, which were only made dangerous by the fact of being in a land unaccustomed and the weak condition of the injured.

The secretary made a few closing comments. All the other boys drowned, the wounds of Mr. Lindrich showed proof the most serious, as his skull had been fractured and deep cuts were to be made from operations, from which condition he was only saved by a surgical operation. All finally returned.

On the evening of the 14th, Booth had called at the Kirkwood House, where the President Johnson was stopping, and left a card on which was written: "Don't wish to disturb you. Am your friend. J. Edgar Booth."

On the evening of the 15th, a man appeared at Secretary Schomburg's house, whom General Grant saw the following day, and asked to have both General Grant and Secretary Schomburg posted out to him, which was done. He did not speak to either of them, and lingered on the hall watching them and sat down on a step of the front steps until he was driven away. This was the same of what was actually and previously known of the facts as to the assassination of the president. He attempted to speak of Secretary Schomburg, and the members of the conspirators on the 14th.

As I have said before, while it is common and generally believed that J. Walker Booth was the assassin, for many years this rested only upon the statements of some of the persons at the theatre. But they believed it was Booth, they thought they recognized him as he ran across the stage, but could not be certain about it. The first evidence, which conclusively established his identity in the mind of those investigating the facts, was obtained about the 21st or 22d of April. It was known that the assassin had injured himself when he jumped from the president's box, that he leaped as he ran across the stage, and it was subsequently ascertained that he had broken one bone of his left leg. He was taken to Dr. Mudd's house, near Georgetown, Maryland, with him, on the 21st, or 22d, was a small tin box which Dr. Mudd had cut from his leg, when he cut the bone. On the inside of the box was the number of the foot and the name of the maker, and the words "J. Walker." As soon as the foot was accepted at the War Department, I had ex-Marshal Murray put all kinds of machinery and sent to New York to look up the maker and ascertain from whom the foot was made. That night a telegram was received from him saying the foot was made for J. Walker Booth. Thus settled the identity of the assassin in our minds beyond all doubt, and was the basis on which we proceeded in our own judgments as to who were the makers and abettors of the assassin and who were his accomplices.

The investigation of the facts was presented under the personal direction of the Secretary of the South-western Telegraph, until the day the court was ordered to convene, May 25. A severe cold, febrile, had been working at him ever since his return to the country, either in military or civil life. From Secretary Stanton, May night I worked with him until the morning dawn began to shed us of the darkness, and soon night I left the department of midnight set in the small hours of the early morning completely worn out, and I left him still there working.

Early in my work I had a personal experience with Secretary Stanton which illustrates some of his characteristics. Almost immediately after commencing my investigation, I learned that a Mr. Wickham and a Mr. Holloman, who had been connected with Mrs. Smith, had been sent by the secretary to Canada to find John H. Smith, whom the secretary believed to have been one of the conspirators, and if possible, bring him back to Washington. A few days after learning this, he, too, as a spy, was at my office, ~~from~~ the War Department, and associated themselves with Wickham and Holloman. I wrote their names on a card and sent to the secretary, accompanied their arrival and asked for instructions. He looked and very briefly said, "Take their statements and have them repeated in a day or two." This I wrote on the card and returned to my office. I then had their statements taken down stenographically, and instructed them to repeat facts day to day. That evening, I should think about twelve o'clock, a messenger appeared at my room at Willard's Hotel, Mr. Elliott, a special agent then at work on the investigation, and said to me: "The secretary wants you, and the devil is to pay." I said, "What is it?" He answered, "I don't know, but he is in a terrible temper." When I appeared thirty hours later, was walking up and down his office apparently in a great state of excitement, and went out with, "I hear that Wickham and Holloman were in your office today, and that you let them go." I said, "Yes, Mr. Secretary." "I got no further when he broke in with, "You had no business to let them go. They are some of the conspirators, and you have them here at this office, by eight o'clock to-morrow morning, or I will deal with you." I answered him and said, "But, Mr. Secretary," (intending to add that it was by his instructions) but he interrupted by saying, "Not a word, sir, you have these men here to-morrow morning by eight o'clock."

I saw that was no use in attempting any controversy with him or explain, so turned back and went into my office, a good deal depressed and deheartened. I sat down at my desk, thinking what I should do. I then recalled one of the military words, that when a grave and important duty is imposed by a superior, the power is always equal to the duty, and I immediately sat down at my desk and wrote out an order to General Angier, who was then in command of the district of Washington, to detail a regiment to command and guard all the usual modes of ingress and egress to Washington, to examine every person who departed therefrom during the night or in the morning until further orders, and to carefully inspect each person departing, in order to find and bring to the War Department the next morning by eight o'clock A. M. two men, Wadsworth and Hollahan, giving as near as I could a careful description of their persons. I further ordered him to detail two companies to report to me at the War Department for duty. When these companies arrived, I divided them into squads of ten each, in command of either a commissioned or non-commissioned officer, and commenced at the Georgetown Bridge, to ring up and examine all the occupants on each street leading to the capital, except of course, the residence of foreign diplomats and cabinet ministers, taking charge personally of one squad and one street. I directed them to report to me at Willard's at seven o'clock in the

morning. At seven o'clock all my spooks reported to me and reported an utter failure.

I then started up to the War Department as dejected and disheartened as you could have found in the city of Washington to report to the secretary and take my medicine. Just as I was passing along diagonally in front of the presidential mansion, and nearly opposite General Angell's headquarters, I nearly ran into a man, and looking up discovered it was Hollabon. I was almost motionless with reflecting emotions, threw my arms about him for a moment and then looked up again in his and said, "Come with me." He was considerably surprised at my agitation, but made no objection, and we walked up towards the War Department. I inquired where he had slept the night I fired, and where Hollabon was. He said that as he had formerly been employed in the quartermaster general's office, some of the clerks had turned him to himself and Hollabon for the night and they had both slept there. (It had never entered my head the night before to examine the military office of the government.)

As soon as I reached my room I went hurriedly over to the Quartermaster Department and he returned almost immediately with Hollabon.

Putting them both in my room and putting a sentinel at the door so that they should not again vanish, I took the card that I had taken with me in my interview the day I tore with Mr. Stanton, and went into his room. It was then just about eight o'clock. As I came in, Mr. Stanton, who was then seated at his desk, looked up and said, "Well, have you those men?" I said, "Yes, Mr. Secretary, they are at my office." His whole manner and countenance changed from that of a grim-cat of ill-nature to that of a pleased smile, and I said: "I was then a good deal aroused and indignant, and I turned upon him and said, 'And now, Mr. Stanton, I am through with the service under you and I beg leave to tender my resignation to take effect immediately. You would have condemned and disgraced me without a hearing for obeying your own order, and I am ashamed if I will serve further under any such man. Here is the card I brought into you yesterday on which the names of the three witnesses were written, whose names I gave distinctly to you, and on it I wrote the order you gave me—namely, to take their statements, let them go, and have them report from day to day.' Here it is, and this order I implicitly obeyed, now I am through with you and through with the service." He got up from his desk, came over to where I was standing, placing one hand on my shoulder and said, "General, I ask your pardon. I was wrong, but remember the great strain I am under in trying to save the country. In seeking to address the best and the public rights, sometimes individual right goes down. I am doing the best I can with all the power with which God has endowed me. Forget this matter and go back and go on with your work and help me and the great work I am trying to do."

Thus ended the matter so far as I was concerned, and I went back and went on with my work.

Prior to the first of May the president, Andrew Johnson, officially called upon the attorney general, James Speed, for an opinion as to whether or not the persons implicated in the murder of the president and the attempted assassination of William H. Seward, secretary of state, and in an alleged conspiracy to assassinate other officers of the government, and their aids and abettors, were lawfully triable before a military commission in Washington, and the attorney general having given his opinion in response thereto, that the said parties were so lawfully triable, on the 1st day of May the president ordered the adjutant-general to detail nine competent military officers to serve as such commission. On the 6th of May the adjutant-general issued an order appointing a military commission to meet at Washington on the 8th of May for the trial of Herold, Atzerott, Payne, McLaughlin, Spangler, Arnold, Mrs. Surratt, Dr. Mudd, and such persons as might be brought before it implicated in the murder of the late President Abraham Lincoln, and the attempted assassination of Hon. William H. Seward, secretary of state, and in an alleged conspiracy to assassinate other officers of the federal government at Washington city, and their aids and abettors.

The detail of the court was as follows: Maj. Gen. David Hunter, Maj. Gen. Lewis Wallace, Brig. Maj. Gen. Augustus V. Kuntz, Brig. Gen. Albion P. Howe, Brig. Gen. Al. H. S. Foster, Brig. Gen. T. M. Harris, Brig. Gen. George A. Thomas, James A. Egan, Col. C. H. Tompkins, Lieut. Col. David T. Chandler.

Brig. Gen. Joseph Holt was appointed judge advocate and recorder of the commission, and the Hon. John A. Bingham and myself were assigned as assistants or special judge advocates.

The court convened on the 9th of May, but adjourned to the 11th, to afford the accused an opportunity to procure counsel. The charge against the accused was for conspiracy in aid of the existing rebellion against the government with Booth, Surratt, Jefferson Davis, Saunders, Tucker, Thompson, Cleary, Clay, Harper, Young and others unknown, to kill and murder Abraham Lincoln, president of the United States, and commander-in-chief of the army, and Andrew Johnson, then vice-president, W. H. Seward, secretary of state, and General Grant.

The specifications set forth the act or acts of the accused, done and performed in the prosecution of said conspiracy.

It is not my purpose to review the history and scope of the conspiracy as developed by the proof submitted to the court. It is sufficient for the purpose of this paper to say that nine brave soldiers and intelligent and conscientious officers, after two months of careful and laborious investigation, did find and decide that the accused, together with Surratt, Booth, Jefferson Davis and his rebel agents and confederates then in Canada, namely, George N. Saunders, Beverly Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper and George Young, were guilty of conspiring to kill and murder President Lincoln, Vice-President Johnson, Secretary Seward and General Grant. It should be remembered also in this connection, that during all the two months of this investigation by the commission, each of the accused were represented by one or more able counsel, among whom were the Hon. Beverly Johnson, of Maryland; Gen. Thomas Ewing, then of Washington; Frederick A. Auman, W. E. Foster, Walter S. Cox and Frederick Stone, and that the whole power of the government was put at the service of the accused and used unreservedly by their counsel to bring from any part of the United States any witnesses they might desire.

Some of the counsel for the accused seemed to be as much convinced as the court of the guilty participation of the rebel authorities at Richmond and their confederates in Canada in the conspiracy to assassinate President Lincoln. Cox said in his argument, "the assassination of the president and other heads of government may have been discussed in the South, as a measure of ultimate resort to retrieve the fortunes of the Confederacy when at their lowest ebb, the rebel agents in Canada may have individually signified their approval of the measure in the abstract, long since, but I undertake to maintain upon the evidence that there never was any final determination, on the part of any person or persons, with whom any of these accused can possibly be connected, actually to attempt the life of the president or other functionary until a few days—about one week—before the murder." Again he says, speaking of Booth, "The theory of the prosecution is that Booth, who is acknowledged to have been the head and front and soul of the conspiracy, if there was one, was only the leading tool of these rebel conspirators. I think he was probably something more, but it will not vary the result. I think he was probably actuated, not only by the sordid hope of gain, but by a misguided, perverted ambition. Of strong will and passions, and high nervous organization, accustomed to play parts and those of a tragic character, he had contracted perverted and artificial views of life and duty, and had aspired to be the Brutus in real life that he had been or seen on the boards. He well knew, however, that the net he contemplated would be executed all the world over, except possibly among those whom he intended to serve. Therefore, whether pecuniary reward or false glory was his object, he could hope for neither until he was secure of their application. Whatever his principle of action, he was wisely withheld from a desperate and reckless undertaking until he supposed he had the approval of the rebel authorities. When does the evidence show this was given?"

Mr. Cox then proceeds to review the testimony, or a portion of it, given upon this point, and adds, "Thus, in the end there is seen to be a substantial accord between all the three witnesses, on the important question when the formal sanction of the Richmond authorities was received in Canada, and when consequently for the first time they were in a condition to give their formal and official approval to the proposed enterprise."

Let me say here personally, after this quotation from the argument of counsel for the accused themselves, that my own judgment upon the testimony was at the time that while the proposed enterprise of assassinating the president and vice-president, members of the cabinet and General Grant had

been brought to the attention of the Richmond authorities and to Jefferson Davis, there was no intention on any side to shoot at or sanction or approved this undertaking. The proof, I think, shows that it was brought to his attention and that he did not intend to encourage or to suppress the movement. That the confederate agents in London did actually take part in financing and forwarding the conspiracy, I think was conclusively established.

As early as November, 1863, Booth was considering wild schemes either of forcible abduction of the president or assassination, and was busy from that time down to the day of the assassination in trying to select others in the dark enterprise.

It is part of the unvarnished history of the fact that on the day of President Lincoln's second inauguration, and while he was delivering his inaugural address, Booth sat near and peeped at him with the purpose to stab him to death then and there if any opportunity should occur in the press and confusion of the crowd, for him to do the deed and make his escape. That while the great president was uttering his inaugural words, "With malice toward none, with charity for all," if a man of common sense were his only child, the knife which he held in his hand would be put away. Another curious fact connected with this event is that Booth secured his ticket of admission to these ceremonies through a Union State meeting, one of the most faithful and earnest of the Union republican groups, and that it was presented through the intercession of his daughter, who, although he had only a casual acquaintance with Booth, had often seen him on the stage, and like many of the romantic young ladies of our own time, had caught the fever of stage hero worship.

Later on in the same month of November, an actual attempt was made to forcibly abduct or assassinate the president. About the 28th of that month a party of seven armed and trained men, four of whom were Booth, Surratt, Payne and Alvin Karpis, appeared at Mrs. Surratt's house and took away on stage dispatches, telegrams, alleged to have been the capture of the president (as he was then coming from the Soldiers' Home), and delivering him into the hands of the rebels. Through some circumstances, the plan was frustrated, and Booth, Payne and Surratt returned to Mrs. Surratt's house very much excited and agitated over their failure. Surratt threatened to shoot any one who approached his room, uttering wild exclamations that his prospects were gone, his hopes were blighted. In the afternoon, after Surratt and his party had departed on the conspiracy, Mrs. Surratt was found in the hall or passage way of her house weeping bitterly, and said to one who stopped to comfort her, "John is gone away," grieving as though he was not to return, and showing some knowledge of the expedition.

About the 1st of April, 1865, Booth came to New York and returned to Washington on the 8th, and from that time was busy with his confederates in maturing his plans for the proposed assassination of President Lincoln and the others. I do not propose to give you the evidence submitted to the court bearing upon the general conspiracy and the act of assassination and the connection of each of the accused therewith, neither then to give him the circumstances of the assassination of the president.

On the evening of the 14th of April, 1865, Major Rathbone and Mrs. Harris, of Washington, joined the president and Mrs. Lincoln and drove with them in the president's carriage to Ford's Theatre, reaching there about half past eight. When the president reached the theatre and the fact became known, the actors stopped playing, the band struck up "Hail to the Chief," and the audience rose and received him with cheers and shouts of applause. The party passed to the right into the president's box in the second tier, which was on the left of the stage. The president seated himself in an arm chair, which had been provided for him that afternoon by Mr. Ford, to the left of the box, and near to the audience. Mrs. Lincoln sat next on the right of the president and on her right was Mrs. Harris, and immediately behind her sat Major Rathbone.

About nine o'clock at that evening Booth peck into the lobby in the rear of the theatre, and called upon Springfield, a stage carpenter employed at the theatre, to hold his horse. Springfield and a young man named Barrett, another employee, Booth slipped into the theatre through the rear door, took a brief survey of the house, passed out the same way, and soon after appeared at the front. There he held a private and hurried consultation with two or three persons. Just before ten o'clock he went into a saloon near the theatre and took a drink of whiskey. He then came out and passed his confederates, the parties he had been consulting with, and then passed into the passage leading to the stage from the street. At this time, one of the confederates slipped into the vestibule of the theatre, looked at the clock, came out and called the time, started up the street, was gone a few minutes, returned, looked at the clock, and called the time again. At this time Booth had reappeared in front of the theatre. Presently the same party who had called the time came and looked at the clock and called the time again in a loud voice, "Ten minutes past ten." He then started up the street and Booth passed into the theatre. As stated, this was about ten minutes past ten o'clock, and was during the second scene of the third act of "Our American Cousin," then being performed by Edwin Booth and his company at Ford's Theatre. Booth passed to the right up near to the president's box, where he stopped a moment and leaned against the wall. He then stepped down on stage, placed his hand on the door of the passage leading to the president's box, and his knee against it, and pushed the door open. He then placed a hand against the door on the inside, which had previously been prepared whether by him or some one of his confederates for the purpose of preventing an entrance or retreat from the theatre, passed along the passage way to the door on the left opening into the president's box, stepped and looked through a hole which had been cut in the door into the president's position, and if his attention was concentrated upon the stage, softly pushed the door open and entered, as we are saying him, then, standing within two or three feet of the president, laid. The ball entered the back part of the left side of the head of the president. The pistol used was a large sized Remington, about six inches in length, carrying a large leaden-ball ball. Upon hearing the discharge of the pistol Major Rathbone looked around and saw through the smoke a man between the door and the president. At the same time he heard the man shout some word which he thought was "freedom." Another witness thought he shouted "Hear ye for the South!" Booth, the moment he fired, dropped his pistol and drew a long knife. Major Rathbone instantly sprung upon him and seized him. Booth tried to break free from the major's grasp, and made a wild thrust at his breast with the knife, which Rathbone parried, receiving the wound in his left arm between the elbow and the shoulder, about one and one-half inches deep and several inches in length. Booth then rushed to the front of the box, Major Rathbone attempting to seize him again, but only caught his clothes as he was going over the railing. Booth put his left hand on the railing, holding in his right hand the knife, went down, leaped over and down to the stage, about twelve feet. As he was going over or descending the spur on his right foot caught in the flag, which had been dropped in front of the president's box in honor of his presence, and clung to it, causing his left foot to partially turn under him as he struck the stage, and thereby one of the bones of his left leg was broken. Had it not been for this accident Booth's doubtless would have made his escape into Virginia within the confederate lines, possibly out of the country. This it was that the national flag was a mere instrument in the scene, so that to check the president's murderer. Booth, as he fell across the stage, partially turned facing the audience, threw up his head holding the gleaming knife, and shouted "See ye never tyrants!"

In taking the statements of persons at the theatre who had witnessed the tragedy, an Irishman in the second row, said that Booth shrieked as he fell across the stage, "Am sick, sick for McMeans!"

Booth passed out by the right side of the stage and through the passage in the rear of the theatre, reached his room, which Barragans was still holding, but here a line with the handle of his knife, fell across the narrow yard ledge, and arrested at Lloyd's friend, Maryland, about twelve o'clock at night. On the way he had been joined by Harold.

Stopping at Lloyd's room in Brownsville, Harold dismounted and went into the house, saying to Lloyd, "For God's sake, wash, wash and get these things." Lloyd, understanding what he wanted from the notification given him by Mrs. Surratt on the day previous, without making any reply went and got the cartridges which he had placed in his bedroom that they might be handy, and brought them to Harold together with the ammunition and field glass that had been deposited with him, and the two bottles of whiskey that Booth had ordered through Mrs. Surratt the day before. Harold carried out to Booth one of the bottles of whiskey, drinking from his own bottle in the house before going out. Booth declined taking the carter, saying his leg was broken and he could not carry it. As they were about leaving Booth said to Lloyd, "I will tell you some news if you want to hear it. I am pretty certain that we have assassinated the president and Secretary Seward." The moon was now up and shining brightly. The next heard of them was at the house of

Dr Samuel A. Mudd, near Bryantown, in Maryland, and about thirty miles from Washington, where they arrived at about four o'clock on the morning of the 15th.

Booth's leg had been broken by a fracture of the fibula, or small bone of the left leg, when he fell on the stage on leaping from the president's box, and by this time had become very painful. He needed rest and surgical treatment, but he could get neither, for although he had revealed the house of a co-conspirator, who was a country doctor, and well disposed to render him all the aid he could, he appeared to have made a very bungling operation, dressing the broken limb with some plastered and a bandage which gave out a very imperfect support. As to the rest he required, that was impossible, for although Mudd placed him in an upstairs room and kept him until the afternoon, he was admonished by seeing a squad of soldiers under Lieutenant Dana passing down past Mudd's place, which was a quarter of a mile off the road to Bryantown, that there was no rest for him; and as quickly as it could be done, after the soldiers passed, Mudd got rid of his dangerous charges by sending them by an unfrequented route to the house of his friend and neighbor, Samuel Cox, about six miles nearer to the Potomac. Booth was on no new ground, neither amongst strangers either to his person or to his wicked purpose. He had spent a good deal of his time during the previous fall in that part of Maryland, preparing a way for his escape after accomplishing his purpose. His way had seemed clear to him in advance; his route had been selected, his friendly acquaintances secured. But alas! the broken leg. Under the guise of looking at the country with a view to purchase lands, he had perfected all his arrangements and had expected to pass swiftly over his route, accompanied by Alexander Adams, house owner in the neighborhood and who knew all about the contraband trade with the rebel capital, the underground road route between Baltimore and Washington, and all of the people engaged in these operations and also the place and routes for crossing the Potomac, and also by Payne and Harold. He had purposed to be safe on the soil of the Old Dominion to this time. Instead of realizing all this, he found himself crippled, scarcely able to travel, and closely pursued by those whom he knew to be on his track, with no other companion than his devoted but inefficient friend Harold.

Mudd had done all he could to relieve him, but dare not try to conceal and keep him. He could only forward him to the next stage of his journey and to a safe place of concealment. Thus he faithfully did. They lived near Port Tobacco, the home of Alexander, and as his was too public a place to afford safety to the fugitives, he turned them over to his neighbor, Thomas Jones, a contraband trader between Maryland and Richmond, who, in the midst of a constant scouring of the country by pursuing parties, kept his large concealed in the woods near his house, supplying them with food and doing everything he could for their comfort, waiting and watching constantly to find an opportunity to get them across the Potomac. They were hunted so closely that they could hear the neighing of the horses of the troops, and fearing they might be betrayed by their horses answering the calls, Harold led them into a swamp near where they had concealed in the pines and out them.

The river was being continually patrolled by gunboats, and the task of getting his way across proved both difficult and dangerous to Jones. His proclamations offering one hundred thousand dollars for the capture of both and warning all persons from aiding the fugitives in any way, making their escape had been published broadcast, yet Jones was not deterred. Neither the offered rewards nor the warnings of the government had any effect on him, for a whole week he kept them secreted in the place of his premises, where Booth lay night and day wrapped in a piece of blanket that had most likely been furnished him by Dr. Mudd. Finally, being furnished by Jones with a boat, they took their own risks and effected a crossing, but they were seen by a colored man through whose report General Baker got on their track and finally effected their capture.

There can be no doubt that Booth had selected this as the route for his escape months before, and that all of his visits to this part of Maryland had been made with reference to this plan. Being at length across the Potomac, even though under such unfavorable auspices, Booth no doubt drew a free and exultant breath at having been permitted to set his foot at last on the soil of the Old Dominion. He felt that he was now amongst friends who could aid him in his flight or help him by concealment, and his friend Jones no doubt breathed a freedom he had not known for some days of feeling himself released from his dangerous charge. Booth was greatly disappointed at the cold reception given him by the people on whom he had counted so much after crossing into Virginia. He had expected to be honored and honored as the hero of the age, but instead of that he received a comparatively cold reception that stung his vanity like the poison of an asp.

It is true the people showed no disposition to betray him, but, at the same time, they manifested a disposition to enter into no compromising friendship with him, and in a limited way only to assume any responsibility in his behalf by helping him to escape. Sad, indeed, was Booth's condition at this time. More than a week had elapsed since he had perpetrated his great criminal committed his guilty flight, and now he found himself in such a state of such pain as scarcely to be able to walk a step, even with the help of crutches, and scarcely more than fifty miles from his starting point. His companion in crime, Harold, was now the only human being on whose friendship and fidelity he could certainly rely.

By the aid of this blind follower he was able to maintain his concealment, and after a wretched fashion to resume his flight in an old wagon drawn by two miserable horses and driven by a negro. In this state he reached Port Conway, on the Rappahannock, in King George county, Virginia. Here his driver refused to take him further. It is just at this juncture and in this town that they were met by three confederate soldiers, Major Ruggles, lieutenant Bainbridge and Captain William Jett, the latter of Mosby's command.

Harold, thinking they were recruiting for the rebel service, was quick to see in them a means of assistance in getting Booth out under the protection of the stars and bars, and so revealed their identity, appealing to them for assistance. A little later, Booth getting out of the wretched conveyance, came forward, and to assure himself of their disposition toward him, addressed them with the interrogatory, "I suppose you have been told who we are?" Then throwing himself back on his crutch, and straightening himself up, with pistol cocked and drawn, he said, "Yes, I am Wilkes Booth, the slayer of Abraham Lincoln, and I am worth just one hundred and seventy-five thousand dollars to the man that captures me." His attitude and speech was fantastic and that of a man at bay, under the power of a desperate purpose never to be taken alive. These three officers of the confederate army (for they were such at this time, and having been paroled), whilst mildly protesting that they did not sanction his acts as an assassin, assured him that they did not want any blood money, and promised to render him all the assistance in their power in making his escape, a promise which they faithfully kept. Major Ruggles dismounted and placed Booth on his horse, when the whole party crossed over the Rappahannock from Port Conway, in King George county, to Port Royal, in Caroline County, Virginia, and after an in the night found quarters for Booth in the town, they took him three miles on the road to Bowling Green, the county seat of the latter county, where they succeeded in getting a man by the name of Garrett to take him in, with the understanding that he would do all he could for his comfort and safety. Garrett took Booth and Harold in with a full knowledge of all the facts in the case, and with some manifest reluctance from a knowledge of the danger he would incur.

Bainbridge went on to Bowling Green, whilst Ruggles and Jett remained over night in the woods near the house, Booth being his ward on the premises and cared for. On the following day Captain Jett went to Bowling Green on a visit, prompted by the tender passion, where he remained a few days, and Lieutenant Bainbridge returned to the Garrett farm, where he joined Major Ruggles. The two started for Port Conway, but before setting there learned that the town was full of Union cavalry, when they lost a time in returning to Garrett's and gave warning to Booth, advising him to seek his time in fleeing to a place of wood, which they pointed out to him, and then turned to look after their own safety. The cavalry of which they met this notice was a squad detached from the Sixteenth New York Regiment, commanded by Lieutenant Dougherty, which had been ordered to capture General L. C. Baker of the Secret Service Department.

Arriving at Port Conway on the afternoon of the day subsequent to the crossing of the parties above referred to, and finding the wife of the ferry keeper at the ferry house sitting and conversing with another woman, Colonel Conger exhibited to them a photograph of Booth, and informed them that that was the man they wanted. It at once became apparent to him, from the manner and actions of the women, that Booth was not far off. The ferryman, a man by the name of Collins, was a native and being influenced no doubt by fear of compromising himself, became very communicative. He told them all about the party that had crossed the day before, one of them,

myself." I must agree with the opinion on this cause. I know personally that Mrs. Surratt was not untraveled, and that in such cases as Mrs. Swaseyheim described our back players in the courtroom. But the letter of Mrs. Surratt's counsel did not put underground the falsehood that she was untraveled during or trial—periodically it reappears, fresh and vigorous.

General Hancock was especially denounced because he was obedient to the order of the President—the Commander in Chief of the Army under the constitution—and had failed to deliver Mrs. Surratt over to the custody of the court under the habeas corpus proceedings. His rivals and enemies made most unscrupulous use of this weapon against him so soon as he became prominently talked of as Democratic candidate for President in 1880.

In 1871 one of the leading papers of St. Louis said: "Quite a number of the federal officers, disaffected with the political character and partisan purposes of the late war, resigned their positions in the army at one time or another. Some of them felt that the 'Union' had somehow come to be a secondary consideration in the light of others, that it was a merely partisan struggle or the assumption. But General Hancock, the favorite of a few Western Democrats as a candidate for President, seems to have deflected none of these objections. He did his duty like a steady-swinging man through the war. When at New Orleans, he issued an order that made his great capital among the Southern people; and, when at the North, he distinguished himself equally as a federal zealot. It was General Hancock, then in command of the Middle Military Division of Washington, who declined to interfere with the order of the court martial sentencing Mrs. Surratt to death. It was he who became himself partly borne of the most human crimes ever perpetrated in the name of justice."

This sort of criticism and abuse embittered many an hour of General Hancock's life up to the day of his death. General Hancock, as we all know who know him well, in his personal relations with his fellow men was as kindly and gentle as a child; was a man with the highest ideals and rules of conduct, and as a soldier was as brave and knightly as ever buckled sword.

Of a peculiarly proud and sensitive disposition, any word which assailed either his personal honor or his record as a soldier tortured him like a blistering wound.

He talked with me several times about these attacks which had been made upon him, and in 1873 I determined to write an article reviewing some of the incidents at the trial of the assassins and General Hancock's relation to it. This purpose I made known to him, and he then informed me that an article had been prepared by some friend of his upon the subject, and if I wished he would have it sent to me, and I could make such use of it in the preparation of my article as I wished. It was subsequently sent to me, and I still have it in my possession. About the same time I received from him the following note:

"New York, October 1, 1873.

"My Dear General: General Mitchell has the paper I spoke to you of. It reached me this morn. If you will notify General M. (W. W. Mitchell) when to send it and when I will send it by messenger to you.

"The latter part of the paper contains the matter I particularly desire you to see, although it might be well for you to read the whole. You are at liberty to use any part of it verification or not. It was not printed. I should be pleased if you would preserve the paper for me.

"I leave for St. Louis this p.m. The only true plan is to meet and crush out this Surratt matter, not to 'dilly' it'—as this paper, for example. It is about my idea of meeting the question.

Yours truly,

"WINFIELD S. HANCOCK.

"To General Burnett, N. Y."

This paper is too long to present here, but I will give only a few extracts showing General Hancock's views of his relation to the habeas corpus process and Mrs. Surratt's connection with the conspiracy. I quote from the paper as follows:

"On the 7th day of July, 1865, the day of the execution, the Honorable Andrew Wylie, a judge of the supreme court of the District of Columbia, sent a writ of habeas corpus directed to General Hancock, commanding him to produce the body of Mary E. Surratt in court. Thompson Andrew Johnson, as President of the United States, and as such superior in authority to General Hancock, assumed the responsibility of suspending the writ of habeas corpus and setting aside the order of the judge. The President's order was in these words, and was embodied in the writ of habeas corpus. (Here is given the President's order, as given above.)

"Nevertheless, General Hancock deemed it his duty to appear before Judge Wylie and submit himself to the judgment of the civil court. Having appeared before the civil court, General Hancock filed the following statement in writing, in obedience to the command of the writ of habeas corpus, setting out the return above:

"Judge Wylie said: 'The court finds itself powerless to take any further action in the premises, and therefore declines to make an order, which would be vain for any practical purpose. As regards the delay, it having been fully accounted for, the court has no fault to attach to the respondent (General Hancock) in that respect.'

"Against such a record as this nothing but inveterate malice would prefer a censure against General Hancock. The conduct of General Hancock was not only dutiful and obedient to the civil authority, but such as to manifest for that authority profound respect and reverence.

"It was not necessary he should appear in person before the court. He sent, however, his aide, the sword, and submitted himself to its judgment. He could have assumed a more defiant attitude. He could have spurned the puny power of the civil magistracy, who had presumed to send his mandate to a military commander of a hundred thousand soldiers. But no, he deemed it an imperative duty to submit himself personally to the authority and jurisdiction of the court.

"If General Hancock was responsible for the non-production of the body of Mrs. Surratt, the Court was armed with jurisdiction to fine and imprison him for the dereliction of duty and for a contempt of the authority of the court.

"But the court did neither. Judge Wylie dismissed the general from his court without punishment and without censure, assigning the failure of the writ, not to an act of General Hancock, but to the act of the President.

"The suggestion that General Hancock should have resigned is simply silly. His resignation could have no tendency to bring the body of Mrs. Surratt into court or to prevent her execution.

"It has been a common thing for those who, from political partisanship or personal malice, have been most violent in their clamor against General Hancock in this connection, to omit all mention of the other parties who suffered with Mrs. Surratt. It would seem as if, in their opinion, no human crime was perpetrated in the execution of Herold, Atzerott or Payne. The reason for this is plain enough. There is always sympathy for a woman. And it is supposed that much will be excused for her which could not be asked in the case of another person. It is quite unnatural to our present purpose whether Mrs. Surratt was innocent or guilty of the crime for which she suffered, since General Hancock was in no wise responsible for it. But when she is pronounced perfectly innocent and her execution 'an infamous murder' committed by nine respected officers of the army, and by the approbation of the President, without evidence of guilt, it is not amiss to state the simple facts of her case.

"That nine men of ordinary respected character in the federal army, colonels, brigadiers and major generals, should have been so lost to all sense of duty and humanity, so infamously brutal, as to sentence a woman to death for nothing, is a very strong proposition.

"Any one who looks into the evidence will find out that for some weeks before the assassination Mrs. Surratt was holding frequent private interviews with Wilkes Booth; and was at various times in intimate communication in her own house with Lewis Paine, alias Wood, alias Powell, who attempted the life of Mr. Seward. Some weeks before the assassination, John H. Surratt, David H. Herold and George A. Atzerott left at the house of a Mr. Floyd, near Washington, two carbines, a musket, and a rope sixteen to twenty feet long, which were laid away under a joist until they should be wanted. On the Monday preceding the assassination Mrs. Surratt came to Floyd's house and inquired about the 'shooting-irons,' and told Floyd 'they would be wanted soon.' On the very day of the assassination Mrs. Surratt was at Floyd's house again, and told him 'to have the shooting-irons ready for that night.' She then gave Mr. Floyd a field-glass and asked him to have all the things ready, with two bottles of whiskey, for the parties who would call for them in the night, and left.

"True to her prediction, at about a quarter-past twelve o'clock the same night, Booth and Herold came to Floyd's and called for the carbines, field glass and whiskey, which Floyd delivered to them according to Mrs. Surratt's direc-

to. He did look for me, but Booth was gone to carry Mrs. having
broken leg, and on left of him. The judge came at Floyd's house about
midnight. Booth said, come with me off. I will help you solve news. I am
the best man we have ever had. The President and Secretary Seward.

At about 10:30 a.m. on April 19, 1968, the third day after the shooting, P. told the witness that he had been diagnosed by Joseph's doctor as having schizophrenia, which was in possession of it. He told the witness that he was in the hospital and that he was in possession of it. He told the witness that he was in the hospital and that he was in possession of it.

"Mrs. Sarsfield thought my legs hurt so she said she ever saw him. Her ride was," Belmont said, "an old woman named Mrs. Sarsfield, and have never seen him."

"It is not fair to be put into a position," Mrs. Keenell says, "where we would probably be put into and also have to pay for the same."

¹⁴ But (assuming x is big, $y = 0$) $\frac{1}{2}x^2$ is the number of inversions, or permutations, superior to x in value, and $\frac{1}{2}x^2$ is the number of all x values, being an even number, the last permutation is $\frac{1}{2}x^2 - 1$. The number of inversions, which, as above, is $\frac{1}{2}x^2$ is the number of x values, also, and $\frac{1}{2}x^2 - 1$ is the last permutation, $\frac{1}{2}x^2 - 1$ is the number of permutations, and for all the permutations, $\frac{1}{2}x^2$ is the number of permutations, and for all the permutations, $\frac{1}{2}x^2$ is the number of permutations.

Of General Harte's nomination, said the *Post* and the *Business Express*:

readings, in an interview published in the *New York World*, August 3, 1910, after his remarks on the political situation. He was at the party, although I was a 16-year-old and school was not yet a full year in my

"I do not think that anybody who is involved in this case fairly could use the last line in this column. I think the last line should be only a form of what a few of our militants do." "Along with the record." "There is that General Hemlock still says that the vast of believe corpus and is a prize and respected return for a planning higher authority for not using it by producing the body of the body." "Any attempt to

"I could not protest that I was not a soldier," says the sergeant. "I belong on the ground. I am not in command. I am not in command. I could not protest that I was not a soldier. The company performed its duty like a good soldier."

After the resignation of General Hancock for the presidency in 1880 by Horaceabin, partly, at the request of the editor of the *North American Review*, Mr. Speed, Mr. Hancock's attorney general, prepared a paper for that journal on the trial of Mrs. Barrett. In that article, among other things, pointing out the military necessities and the progress of her trial, he said:

"The military commission which tried the accused of the President was fully clothed. It was a magnificent hall, lighted by gas lamps, and heated to a temperature and equipt with the model of the most exciting scenes. It was possible at that period and at that place to have secured a fair trial, the hall adapted was the most fitting one for it. That commission certainly made a conscientious and careful trial particularly upon a woman. It truthfully investigated the case. If Mr. Bennett had not been guilty—of three felonies, one could doubt of his guilt—he would have been acquitted, one of the other would also have been. The Government never showed any such lack of courage, of firmness, of the guilty of crimes connected with rebellion. It would have been a credit to his nobility and humanity. It was not a few inferior soldiers, but a few crimes that the perpetrators and of the system generally.

"There is a ground in the complaint that the military court was harsh, unjust, or cruel. There is every ground for the conclusion that it did not suffer judicial calmness and perfect composure, impartiality. It found proofs of guilt clear and irrefragable, and rendered judgment against it. There was an additional guarantee of fairness of the proceeding against the accused of the President in the fact that General Howe, a disciplined, trained and accomplished soldier, was in command and champion of the law. His calmness and equanimity in the midst of a sentence, stained by familiarity with scenes of carnage in the whirlwind of scenes of the conflicts, would naturally inspire calmness in others. Had the accused turned over to the executioner for trial, the result would doubtless have been swift, and on that case we would have found a more just complaint, just, that, instead of a trial by an impartial military tribunal, they were tried to the rage of an angry and wronged mob of passionate civilians, in whom it was impossible to obtain a fair jury."

This was the value judgerent upon the trial and the product of Mrs. Sumner's conviction of one of the poorest of men, one of the ablest lawyers of his age—the thought and reflection of fifteen years.

I have given briefly the circumstances connected with the nomination of the trial of the negroes. The criticism of those opposed to the government relation to the trial and the execution of Mrs. Surratt, had three ends related to the matter. There was attached to the record of the evidence, and was transmitted to the chief of the judge advocate general of the army, a recommendation to the President for his approval, a recommendation to increase by five of the members of the court. While Mr. Johnson was still subject to change, had a resolution through the public press that Mr. Johnson or son this recommendation to move, that it had been suppressed by the judge advocate general, during flight. Mr. Johnson himself never openly made charge until after his trial, when he was again and again hung in 1876.

No greater charge could be made against a public officer than this against Mr. Hoff, and if true, no man could and law-abiding citizens betrayed of a public officer was not committed by a man in high official position. It would be more an insult and a blot. The charge is not, as far as known testimony went, in the slightest position close of President Johnson, and if untrue, was one of the most cruel wrongs ever perpetrated by one man against another. This history was hidden and untrue for many years, and in a paper read several years ago before the Union League of the City of New York, I have read all the testimony bearing upon the question, and given my personal reaction with the officers, and I do not suppose now to go into the matter. I am to the contrary on without any doubt that the charge made by Andrew men was absolutely true.

The condition of the peasants was the clearest cause of the greatest pain in our history. The misfortune is caused from the slope of life the dark figure of the nation.

As time goes on, his plan seems to grow larger, the estimate of man
her, not only did he mean to be the special instrument raised up by Provi-
dence to save and give voice to a nation, but to shake the shackles from millions of
it. The mighty potency and significance of his utterances and his work in
serving as a nation and making this a land of freedom each year grows in
minds of men. Not only was he this mighty leader, but he had those
other qualities which brought him close to the hearts of the plain people of
country. No pen can quite describe his personality. Each historian gives
an leading attributes to the man. I met him only two or three times, but
brought in close touch with all the personal anecdotes and the testimony
here who were in daily intercourse with him during his presidential office.
It seemed to impress them all not him as it was his absolute honesty, his harm-
less thought, word and deed—that he was honest with every man with
in he had to deal, and honest with himself, his love of truth and his perfect
fidelity to the ultimate triumph of the truth, his grand simplicity of nature
speech, the good firm that seemed to grow and fit itself to all new and
at moments, to be equal to any and every emergency, and his loving, kindly
manner, which seemed to draw us and hold us in his heart not only his fellow coun-
trymen, but all who loved and tried and suffered, and he had no enmity, or
red of any human being, not even for those who were wicked or in the
way, only a hatred of the wrong itself, and a great yearning that the erring
fit be brought back to the right and the truth and do the things which would
set free truth and righteousness.

Spaulding was riding with them towards Springfield. He tells us that there was a party of three before riding back by two along a country lane or "cut," and that a "D. H. Lawrence" brought up the rear of the cavalcade.

We had passed and heard, "The great old bird plum and crab-apple trees and stepping stones—our home—Hill of the country—Where is Lincoln?" we inquired. "Oh," replied the mother, "he has been here, he had got two young birds which the wind had blown down from their nest, and he was hunting the nest to put them back." In a short time Lincoln came up, having found the nest and placed the young birds in it. The party laughed at him, but he said, "I could not have left it if I had not restored those little birds to their mother." Yet will remember also his letter to the mother who had given all her care to her country.

"I have been down," he says, "in the files of the war department a statement that you are the mother of the boys who have died gloriously on the field of battle. I feel how weak and feeble is must be any words of mine which should attempt to beguile you from your grief for a loss so dear and defining, but I cannot refrain from testifying to the noble resolution which may be found in the thanks of the Republic to you. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and the lost, the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

I find nowhere a better statement of the place of the man and of his attributes than in Cheever's eulogy upon Mr. Lincoln before the Edinburgh Philosophical Institute in New York, 1892. He says: "The growth and development of Lincoln's intellect, and the great force, of his intense and magnetic personality, after the responsibilities of government were thrown upon him at the age of 60, too, furnish some striking illustration of the marvellous power and adaptability of the human intellect—of the sound mind in the sound body. He came to the discharge of the great duties of the presidency with all childlike experience in the administration of government and of the most exact and complicated questions of foreign and domestic policy which moved daily before and continued to press upon him during the rest of his life. But he was not such a child as it came, apparently with the facility of a trained and experienced ruler. As Clarendon said of Cromwell, 'His parts seemed to be revealed by the demands of great station.' His life through it all was one of intense anxiety and distress, without one hour of peaceful repose from his labors. But he rose to every occasion. He had public opinion, but did not allow it to go in advance of it as to feel of its effective support in every great emergency. He knew the heart and thought of the people, and in a most earnest and absolute sympathy with them could have known it, and in holding their confidence, he triumphed through and with them. Not only so, but the steady growth of intellect, but the infinite delicacy of his intellect and of a purity for refinement developed also, as exhibited in the purity and perfection of his language and style of speech. The rough backwoodsman, who had never seen the inside of a university, became in the end, by self-training and the exercise of his own powers of mind, heart and soul, a model of style and some of his utterances will rank with the best, the most perfectly adapted to the occasion which produced them."

And as a terse summing up of his characteristics, the words of Emerson, "His occupying the Chair of State was a triumph of the good sense of mankind and of the public conscience. He gave a ruling to the world, his mind mastered the problem of the day; and as the problem grew, so did his comprehension of it. In the war there was no place for timidity, magnanimity, nor fair weather sailor. The new pilot was hurried to the helm in a tempest. In four years—four years of battle days—his endurance, his fertility of resource, his magnanimity, were surely tried, and never found wanting. There, by his courage, his justice, his even temper, his forbearance, his humanity, he stood, a heroic figure in the center of a heroic epoch. He is the true history of the American people in his time, the true representative of this continent, father of his country, the pulse of twenty millions throbbing in his heart, the thought of their mind articulated in his tongue."

And finally may it not be said of him, "In his early days he struck roots deep down into the common soil of the earth, and in his latest years his head towered and shone among the stars."

THE STRUGGLE FOR FREEDOM IN KANSAS—DELIVERED BEFORE THE OHIO SOCIETY OF NEW YORK ON MAY 9, 1892, BY GENERAL THOMAS EWING.

IN February, 1854, I sat in the gallery of the senate chamber at Washington, and heard much of the debate on the bill to repeal the Missouri compromise of 1820. I was then about completing my collegiate course in Brown University, at Providence, Rhode Island. Four years before I had sat in the gallery of the old senate chamber, now the supreme court room, in company with Captain William Tecumseh Sherman (then in Washington from the Pacific coast, and about to be married), and heard that ever memorable debate which ended in the compromise of 1850, growing out of our vast accessions of territory from Mexico, and in the enactment of the cruel and barbarous fugitive slave law. I was intensely anti-slavery—far more so than my Whig training would warrant for. I was hot with indignation at the Whig leaders who supported the repeal of the Missouri compromise, or compromised in it, or postponed it to a later day. I recollect my pang of disappointment at the labored speech against the bill of Edward Everett, who was regarded as representing the conservative Whigs. It was so cool, deliberate, elegant, without a glow of the indignant spirit of the North which blazed in the hearts of the people.

The gauge thrown down by the South in fight for the possession of the territories was promptly taken up; and Kansas became the battle-ground. While studying law at Cincinnati, I watched every step in the struggle—saw how the genius and energy of Eli Thayer bought the North to win Kansas for freedom by organized migration, against the opposing hordes from the populous borders of Missouri who poured over the line to plant slavery there. When admitted to the bar in the winter of 1856-7, I was married, and removed with my wife to Lawrence.

On the seventh of October, 1855, Andrew H. Reeder had arrived at Fort Lawrence—the first of the ten governors, and acting governors, Reeder, Shannon, Geary, Walker, Denver, Medary, Woodson, Stanton, Walsh and Barber, whose brief careers form part of the tragic history of Kansas.

The pro-slavery portion of western Missouri, as soon as the Organic Act was passed, invaded Kansas at the first election in the fall of 1854, and again at the second election in the spring of 1855, and although few of them intended to become settlers, they took possession of the polls and returned the pro-slavery candidates for the territorial legislature as having been elected. The first legislature assembled at Topeka, near Fort Riley, July 2, 1855—very promptly enacted new Free State laws, who had been inadvertently returned as elected, enacted all the general laws of Missouri, modified so as to be applicable to Kansas, and to avoid their work by enacting a complete slave code, specially enacted for the occasion requiring every territorial officer to swear to support the fugitive slave law, making it a felony, punishable with two years' imprisonment, to write or say that slavery did not legally exist in Kansas; a felony, punishable with five years' imprisonment, to bring into the territory or to receive any printed matter calculated to create dissension among slaves; and finally, making it a felony, punishable with death, to interfere knowingly, in any manner, with the tenure of slave property.

The Free State men, outraged by the forcible seizure of the territorial government by mere invaders, and by the atrocious character of the laws enacted peremptorily and unannounced, repudiated this government as a lawless usurpation. They held a delegate convention at Topeka, September 19, 1855, and then provided for the election of members of a convention to form a State constitution and apply for admission into the Union. The delegates so elected assembled at Topeka, October 23, 1855, and sat until November 11th. They formed the Topeka constitution, which was ratified by an almost unanimous vote of the Free State men of Kansas, and was by petition duly laid before Congress. A bill was passed by the United States house of representatives, July 9, 1856, admitting Kansas into the Union under this constitution, but it was defeated in the senate, and no further action was taken on it in Congress. This constitution, however, and the state officers and legislature elected under it, formed the nucleus and rallying ground for the Free State party, as against the usurped Leecompton territorial government, until the election in October, 1857, when the overwhelming numbers of the Free State men enabled them to elect a large majority of the legislature under the Leecompton territorial government, which thereupon became universally recognized as the law-making power of the people. The Topeka form of state government then quietly passed out of even nominal existence.

Prior to this, on the nineteenth of February, 1856, the pro-slavery territorial legislature had enacted a law providing for the election of a state convention, which assembled on the seventh day of September, 1857, and formed what was known as the Leecompton state constitution. This was submitted to the people for adoption or rejection at an election held December 21, 1857. There was a large majority of qualified voters ready and anxious to vote it

